

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

**Report of the Executive
Director Communities**

Unauthorised and Illegal Encampment Protocol

1. Purpose of report

- 1.1 The purpose of the report is to bring before Cabinet a multi-agency protocol (Appendix 1) detailing the approach for dealing with unauthorised and illegal encampments.

2. Recommendations

It is recommended that:

- 2.1 **Cabinet approve the Unauthorised and Illegal Encampment Protocol attached at Appendix 1**

3. Introduction

- 3.1 Unauthorised encampments can have a significant impact on the local community and on the environment. Unauthorised and illegal encampments are often as a result of gypsy and traveller families settling without the landowner or occupiers consent. The protocol attached at Appendix 1 outlines a holistic approach to all unauthorised and illegal encampments.
- 3.2 The protocol outlines the agreed joint approach and process adopted to respond effectively to unauthorised and illegal encampments, outlining the roles, responsibilities and powers that are available to all organisations. The protocol will ensure consistent, proportionate and appropriate decisions are made when responding to unauthorised and illegal encampments.
- 3.3 The protocol aims to promote inclusivity creating a balance of rights and responsibilities towards all members and sections of society including the settled, travelling and business community.

4. Consideration of alternative approaches

- 4.1 An alternative approach would be to have a council specific procedure for managing unauthorised and illegal encampments. It is however felt that as this issue cuts across organisational responsibilities and the available tools and powers of other key organisations, that any approaches need to be jointly addressed due to the inherent inter-dependencies.

4.2 A further alternative approach would be not to have a multi-agency protocol in place and to work on an ad-hoc basis with partners. It is felt that such an approach could lead to an inconsistency and fragmentation thus creating a confused message to our communities.

5. Proposal and justification

5.1 It is proposed that a multi-agency protocol to address unauthorised and illegal encampments is adopted and its effectiveness is monitored by the Community Safety Partnership Board. It is believed that this is the most effective approach maximising the efficient use of resources across relevant agencies.

6. Implications for local people / service users

6.1 There is often a push from the settled community to move on unauthorised and illegal encampments immediately. The protocol is designed to provide a clear outline of our duties and responsibilities both to the settled and the travelling communities.

7. Financial implications

7.1 There are no direct financial implications associated with the protocol.

8. Employee implications

8.1 There are no direct employee implications associated with the protocol.

9. Communications implications

9.1 The multi-agency protocol will be available on-line at both the Council and South Yorkshire Police websites.

10. Consultations

10.1 The protocol has been subject of an extensive period of consultation with members of the Community Safety Partnership Board. Organisations consulted include:

- South Yorkshire Police
- Barnsley Clinical Commissioning Group
- Berneslai Homes
- South Yorkshire Fire and Rescue
- National Probation Service
- Community Rehabilitation Company
- Youth Offending Team
- Police Crime Commissioners Office
- Representative of the Community Safety Forum

11. The Corporate Plan and the Council's Performance Management Framework

11.1 The adoption of the protocol will support the delivery of the following strategic priorities:

People achieving their potential

- Children and adults are safe from harm
- Early targeted support for those that need it

Strong and resilient communities

- Protecting the Borough for future generations

12. Tackling health inequalities

12.1 Health equalities can disproportionately impact the traveller community. One of the considerations for the protocol is to ensure that any unauthorised and illegal encampments receive appropriate health checks which will be taken into consideration when identifying the most appropriate actions.

13. Climate Change & Sustainable Energy Act 2006

13.1 No apparent implications.

14. Risk management issues

14.1 The Operational Risk Register identifies a risk (reference 3502) of the inability to move unauthorised and illegal encampments (particularly in high risk areas such as near schools and industrial sites) in an expedited manner due to capacity issues. The protocol is one part of mitigations against this risk.

15. Health, safety, and emergency resilience issues

15.1 Occupational Risk Assessments will be reviewed.

16. Compatibility with the European Convention on Human Rights

16.1 The protocol has considered in full the council and its partners responsibilities under the convention both to the settled and non-settled communities. A balanced and equitable approach is necessary to ensure that our duties are fulfilled appropriately in line with the European Convention on Human Rights.

17. Promoting equality, diversity, and social inclusion

17.1 In dealing with unauthorised and illegal encampments, all partner agencies will have due regard to the legal requirements as set out in the Human Rights Act 1998 and the Equality Act 2010. The Barnsley Community Safety Partnership is committed to promoting equality and diversity and ensuring that everyone is treated fairly taking into account their individual needs and circumstances.

17.2 Agencies will take all reasonable steps to ensure they do not unlawfully discriminate and will treat everyone with the same level of courtesy, dignity and respect regardless of any of the protected characteristics.

17.3 Part of the work of the Gypsy and traveller liaison officer will be to try and forge more accepting relationships with the settled community and facilitate mutual understanding and respect.

18. Reduction of crime and disorder

18.1 It is anticipated that the protocol will assist in managing and minimising any disruptive impact of unauthorised and illegal encampments across the borough and that any associated issues of crime or disorder will be addressed promptly and effectively.

19. Conservation of biodiversity

19.1 No apparent implications.

20. Glossary

None.


21. List of appendices

Appendix 1 – Joint Protocol for the Management of Unauthorised and Illegal Encampments

22. Background papers

None.

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Financial Implications

Consultation
<i>(To be signed by senior Financial Services officer where no financial implications)</i>